

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**GENE COGGINS**  
**Plaintiff**

**V;**

**CASE NO 3:07 -CV -406 - MEF**

**TALLAPOOSA COUNTY and**  
**TALLAPOOSA COUNTY SHERIFF DEPT.**  
**Defendants**

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**REPLY TO ALL RECOMMENDATIONS AND ORDERS WITH  
MOTION FOR A FINAL ORDER**

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COMES NOW, THE PLAINTIFF IN THE ABOVE STYLED CASE WITH THIS REPLY TO ALL RECOMMENDATIONS AND ORDERS WITH MOTION FOR FINAL ORDER. WHEN ANY RULE OF LAW IS COVERED IN THE GUARANTEED DUE PROCESS AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS CONCEPT OF "THE DUE PROCESS OF LAW", IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION. U. S. V: Smith D.C. Iowa, 249 F. Supp. 515, 516.

THE RIGHT TO BE HEARD, TO REVIEW THE ANSWER FROM THE OTHER PARTY, WITH BOTH PARTIES AWARE OF THE MATTER PENDING, AND TO ASSERT

BEFORE THE APPROPRIATE DECISION MAKING BODY. Trinity Episcopal Corp. V:  
Romney D. C. N. Y. 387 F. Supp. 10444, 1084..

**CAUSE OF ACTION:**

THE CONSTITUTION OF THE UNITED STATES, GUARANTEES THE DUE  
PROCESS OF LAW TO EVERY CITIZEN. WHEN THIS PROCESS IS NOT ALLOWED  
OR ANY PART OF THESE GUARANTEED RIGHTS ARE NOT ABIDED BY, THIS  
QUESTIONABLE RIGHT HAS TO BE SETTLED IN THE FEDERAL COURT SYSTEM, AS  
GIVEN IN THE FEDERAL RULES OF CIVIL PROCEDURES, 3, 4, 5, THE 5 th. And 14<sup>th</sup>  
AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

1. THE FEDERAL ACT OF 1074, SET OUT AND ESTABLISHED TIME LIMITS  
ON ALL EVENTS CARRIED OUT IN THE JURIDICAL SYSTEM AS SO PLACED ON  
THE SHORT TERM CALENDAR, SO AS TO ASSURE A SPEEDY TRIAL. THE 7<sup>th</sup>  
AMENDMENT. OF THE UNITED STATES CONSTITUTION REQUIRES A TRIAL BY AN  
IMPARTIAL JURY, EITHER CIVIL OR CRIMINAL ON ALL ISSUES BETWEEN THE  
PARTIES, WHETHER THEY BE ISSUES OF LAW OR FACTS WITH NO RESTRAINTS  
OR ILLEGAL COST ADDED ON.
2. A SPEEDY TRIAL IS NOT CONFINED TO MERELY AN IMPAIRMENT, BUT  
INCLUDES ANY THREAT TO WHAT HAS BEEN TERMED AS ACCUSED'S  
SIGNIFICANT STAKES, PSYCHOLOGICAL, PHYSICAL, FINANCIAL, IN THE COURSE  
OF A PROCEEDING , WHICH MAY ULTIMATELY DEPRIVE HIM OF PROPERTY, LIFE,  
LIBERTY, OR PRESUIT OF HAPPINESS. U. S. V: Dryer C. S. N.J. 533, F. 2d, 112, 115..  
DENYING ME THIS RIGHT TO A SPEEDY TRIAL IS ANOTHER ILLEGAL PROCESS

**THAT DESTROYS MY GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION..**

**3. DENYING MY RIGHT FOR A TRIAL BY JURY, IS GUARANTEED BY THE 6<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, THAT REQUIRES A TRIAL BY AN IMPARTIAL JURY ON EITHER CIVIL OR CRIMINAL CASES ON ALL ISSUES BETWEEN THE PARTIES. THIS RIGHT HAS BEEN DENIED BY PLACING A ILLEGAL COST UPON A TRIAL..**

**4. THIS ILLEGAL COST PLACED UPON ANY COURT ACTION IS COVERED IN FEDERAL RULE APP. P. 28 - 39, U. S. C. May V: Williams 17 Al 23, (1849).. ANY PARTY HAS THE GUARANTEED RIGHT TO APPEAR IN ANY COURT WITHOUT ANY PREPAYMENT OF FEES, COST, OR GIVING ANY FORM OF SECURITY THERE - OF..**

**5. UNDER THE DUE PROCESS OF LAW, THE ALLOWANCE OF AN APPEAL FROM A LOWER COURT IS A GUARANTEED CONSTITUTION RIGHT, WHEN A LOWER COURT FAILS TO, OR REFUSES TO DISSOLVE ALL ISSUES INVOLVED, IN DETERMINING THE RIGHTS AND LIABILITIES OF THE PARTIES INVOLVED,, IS IMMEDIATELY APPEALABLE, WITH NO ILLEGAL COST OR RESTRICTIONS ADDED ON. Budinich V: Becton Dickinson & Co. 486, U. S. 196, 201, 108, S. Ct. 1717, 1772, 100 L. E. D. 2d, 178, 91988) LaChance V: Duffy's Draft House, Inc. 146, F. 3d, 832, 837, (11<sup>th</sup> Cir 1980), FED. R. Civil P. 56.. THE RIGHT TO BE HEARD IN ANY COURT, BY A JURY OF HIS PIERS, IN THE UNITED STATES IS GUARANTEED CONSTITUTIONAL RIGHT, THAT CANNOT BE DETERMINED BY ANY COURT OR JUDGE.**

6. IN ITEM NO. 5 ABOVE, "WHERE A LOWER COURT FAILS OR REFUSES TO DISSOLVE ALL ISSUES INVOLVED", IN THIS CASE, THE FAILURE TO DEAL WITH THE ILLEGAL PROCESS OF DEFAULT AND DEFAULT JUDGMENT, WILL NEVER DISSOLVE ANY ISSUES BETWEEN THE PARTIES.. EVERY THING ABOUT THE FILING OF THIS DEFAULT AND DEFAULT JUDGMENT IS DONE IN AND ACCORDING TO THE FEDERAL RULES OF CIVIL PROCEDURES, 3, 4, 5, ....

7. ANY MOTION FILED WITH THIS COURT TO AVOID THE PLEA AS GIVEN IN THE COMPLAINT OR FAILS TO STATE IN SHORT AND PLAIN TERMS IS USELESS AND CONSIDERED AN INSUFFICIENT ANSWER.. Wright V: Miller Fed. R. Civ. P, s/s 1196, OTHER ILLEGAL ATTEMPT TO COLLECT FEES. Petti V: Penn, La. App. 180, So. 2d, 66, 69..AND THE CONCEPT OF DUE PROCESS AS FOUND IN THE 5<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION..

8. UNDER THE ABOVE FEDERAL RULES, AND GUARANTEED DUE PROCESS OF LAW THE, WHERE AT THE BEGINNING OF ANY ACTION THE COMPLAINT AND SUMMONS MUST BE FILED WITH THE CLERK OF THAT COURT AND DATE GIVEN FOR THE ANSWER TO BE RECEIVED OR THE DEFENDANT HAS TO BARE THE FOREGOING RESULTS AS ASKED FOR IN THE COMPLAINT. IF THE ANSWER IS NOT RECEIVED AT THAT TIME AS ALLOWED ON THE SUMMONS, DEFAULT AND DEFAULT JUDGMENT MUST BE FILED AGAINST THEM. THE DEFENDANTS WERE PROPERLY SERVED BY CERTIFIED U.S. MAIL WITH RECEIPT RETURNED BACK TO THE CLERK OFFICE. THIS IS A ONE OR THE PROPER METHODS OF SERVICE AS REQUIRED UNDER THE FEDERAL RULES OF CIVIL PROCEDURES.

9. ANOTHER ERROR MADE BY THE COURT THAT PLACES THIS ATTEMPTED ILLEGAL FORM OF STALLING, CLAIMING IMPROPER SERVICE, AND ALL COST OF REQUIRES JUDGMENT, AS FOUND IN THE ORIGINAL COMPLAINT SHOULD BE PLACED DIRECTLY AGAINST THIS COURT. I FOLLOWED THE DUE PROCESS OF LAW, AND THE RULES OF CIVIL PROCEEDINGS, BY FILING DEFAULT AND DEFAULT JUDGMENT ACCORDINGLY THE PROCESS THAT LEAD UP THE FILLING OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS WAS SET UP UNDER THE DUE PROCESS OF LAW AS ESTABLISHED IN THE GUARANTEED RIGHTS OF THE UNITED STATES CONSTITUTION, THAT GIVES NO COURT OR JUDGE THE RIGHT TO DENY, PLACE ANY RESTRICTIONS OF ANY FORM, OR USING ANY LAW IMPROPER OR ILLEGAL TO OBTAIN THEIR GOALS. THEIR OATH OF OFFICE REQUIRES THEM TO ABIDE BY THE LAWS AND AMENDMENTS AS GIVEN IN THE UNITED STATES CONSTITUTION, OR THEY HAVE COMMITTED A FELONY AND PERJURY. FROM THE PAPER TRAIL LEFT AT THIS COURT MAKES ALL THAT HAVE HAD ANY PART IN MY CASES, GUILTY OF THE ABOVE AND DESERVE THE SAME PUNISHMENT AS OTHER CRIMINALS.

10. THIS DEMAND FOR DEFAULT AND DEFAULT JUDGMENT MUST BE GRANTED, FOR ALL RULES WERE FOLLOWED AND ANY MANIFESTED ERRORS WERE ESTABLISHED INJUSTICE ON THE PART OF THIS COURT. IF EVERYONE INVOLVED IS INCAPABLE OF ABIDING BY THE GUARANTEED RULES OF DUE PROCESS OF THE UNITED STATES CONSTITUTION. THEY ARE OBLIGATED TO RESIGN FROM THIS CASE AND ALLOW A FINAL ORDER, WHERE THIS CASE

CAN BE PLACED IN ANOTHER COURT. THEN TURN THEMSELF IN TO THE PROPER AUTHORITIES, PLEADING GUILTY OF BREAKING THE OATH OF OFFICE AND PERJURY.

**11.** THIS FREEDOM OF SELECTING PROPER COURT AND JUDGES, IS A PART OF NATURAL LIBERTIES SWORN TO OF EXCESS WHICH INVADES EQUAL RIGHTS TO OTHERS, THEY ARE RESTRAINTS PLACED UPON THE GOVERNMENT.. Sowers v: Ohio Civil Rights Commission, 20 Ohio Misc. 115, 252 N. E. 2d, 463, 476..

**12.** THE OATH OF OFFICE BINDS THAT PARTY WHEN THEY ASSUME , OR CHARGED OF THAT OFFICE, HEREBY DECLARING THAT THEY WILL FAITHFULLY AND TRUTHFULLY DISCHARGE THE DUTIES OF THAT OFFICE AND UP - HOLD ALL THE LAWS EQUALLY, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES OF AMERICA .AND STATUTES THAT MAY APPLY TO THAT PARTICULAR CASE. Art. VI, U.S. CONSTITUTION, THAT THIS ATTESTATION, OR PROMISE IS MADE UNDER A IMMEDIATE SENSE OF RESPONSIBILITY TO GOD, WHERE ONE WILLFULLY ASSERTING UNTRUE STATEMENTS ARE PUNISHABLE FOR PERJURY AND ARE ALSO GUILTY OF A FELONY BY BREAKING THE OATH OF OFFICE..

ART. II Sec. I U. S. Const. Vaughn V: State 146, Tex.Cr. R. 585, 177, S.W. 2d, 59, 60..

**CONCLUSION:**

THEREFORE THIS REPLY, IDENTIFYING THE MANIFESTED INJUSTICE BROUGHT ON BY THIS COURT, MUST BE CORRECTED BY ISSUING A FINAL ORDER TO THIS CASE, WITH ORDERS FOR THE CLERK TO SERVE THE DEFAULT AND DEFAULT JUDGMENT AGAINST BOTH PARTIES INVOLVED IN THIS CASE, (AS

GIVEN IN THE 11<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, THAT GIVES ANY CITIZEN OF THIS STATE THE RIGHT TO SUE AND BE SUED, OVERRIDING ANY OTHER STATE OR FEDERAL LAWS THAT MAY EXIST)..FOR THE UNITED STATES CONSTITUTION IS THE PREVAILING LAW. WITH ALL OF THESE ESTABLISHED LAWS IN THE GUARANTEED DUE PROCESS OF THE UNITED STATES CONSTITUTION, THERE IS NO GROUNDS FOR ANY OTHER HEARING, ARGUMENTS, OR ANY POINT THAT IS NOT COVERED UNDER THE DUE PROCESS OF LAW AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES.

THERE HAS BEEN MANY ORDERS AND RECOMMENDATIONS, GIVING DIFFERENT LAWS AND IMPROPER PROCEDURES, TO AVOID EVERY CASE PRESENTED TO THIS COURT. NOT KNOWING OR CARING WHERE THE INDIVIDUALS RIGHT TO BE HEARD AND HAVE THEIR DAY IN COURT EXISTS, MAKES EVERY ATTEMPT FOR THIS COURT TO OPERATE WITH EQUAL JUSTICE TO ALL, A MAJOR DISTRUST IN THIS COURT SYSTEM...

  
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GENE COGGINS